



Department of Conservation & Recreation
CONSERVING VIRGINIA'S NATURAL AND RECREATIONAL RESOURCES

VARIANCE REQUEST GUIDANCE FOR TELEPHONE, CABLE, ELECTRIC, NATURAL GAS PIPELINE, AND RAILROAD COMPANIES

Section 10.1-563D of the Virginia Erosion and Sediment Control Law (VESCL) requires electric, natural gas, telephone, and cable utility companies, as well as interstate and intrastate natural gas pipeline companies conducting land-disturbing activities in Virginia to submit general Erosion and Sediment Control (ESC) Specifications annually with the Department of Conservation and Recreation (DCR) for review and written approval to legally disturb land. For further guidance on the General ESC Specifications requirements, please see the document titled "Virginia Land-Disturbance Guidance For Telephone, Cable, Electric, Natural Gas Pipeline, And Railroad Companies".

General Variance Request Requirements

Modifying or waiving any of the Erosion and Sediment Control (ESC) regulations, including the 19 Minimum Standards, on a project-specific basis, requires companies to submit a written Variance Request to DCR for review and approval (4VAC50-30-40). A typical project that requires a Variance is one that opens more than 500 feet of trench at one time (Minimum Standard 16). The recommended protocol for submitting Variance Requests is as follows:

1. Obtain DCR approved General ESC Specifications.
2. Provide a project-specific ESC plan (see discussion below). An ESC plan explains and illustrates the control measures to be used during project construction.
3. Provide project-specific justification that the proposed ESC plan meets the intents of the appropriate Minimum Standards.
4. Define the company's obligations to ensure self-inspection, reporting, training, environmental protection, and safety as required by DCR as a condition of approval.
5. Present strategies for informing and educating contractors of the Variance requirements.
6. Companies should contact DCR to discuss/submit Variance Requests well in advance of project start.
7. DCR certified inspectors shall be utilized to conduct weekly site inspections. The DCR certified inspector name and contact information will be identified at the time of plan submission.
8. Submit the name and contact information of the DCR certified Responsible Land Disturber. For further information please visit the website http://www.dcr.state.va.us/sw/es_rld.htm.

Variance Requests included in the ESC Specifications should be confined to linear activity. For example, Minimum Standard 6 (Sediment traps and Basins) generally does not apply to linear projects; therefore, a Variance is not needed.

Project-Specific ESC Plan Guidance

The project-specific ESC plan is a document, which describes the potential for erosion and sediment on land-disturbing construction projects. The project-specific ESC plan also explains and illustrates the ESC measures. The project-specific ESC plan has a written portion known as the ESC plan narrative and an illustrative portion known as the ESC plan drawings. The project-specific ESC plan should be an independent entity from the working or construction drawings of the project. The project-specific ESC plan ensures that the controls are installed, inspected and maintained. The following checklists should be followed and submitted with the ESC plan in order to determine ESC compliance for projects requesting a variance. Please see Chapter VI of the 1992 Virginia Erosion and Sediment Control Handbook (VESCH), pages VI-1 to VI-15 for complete project-specific ESC plan requirements for all regulated land-disturbing activities in Virginia.

Checklists for Minimum Standards Variance Requests
For Telephone, Cable, Electric, Natural Gas Pipeline, and Railroad Projects

ESC Narrative Plan

The ESC plan narrative is a written statement, which explains the ESC decisions made for a particular project and the justification for those decisions. For linear utility, pipeline and railroad projects, the annual General ESC Specifications and Standards serve as part of the narrative requirement. Other narrative information required for specific gas pipeline projects includes the following:

- ❑ Project Description – A description of the nature and purpose of the land-disturbing activity and the area to be disturbed.
- ❑ Existing site conditions – A description of the existing topography, vegetation and drainage.
- ❑ Adjacent area – A description of neighboring areas such as stream, lakes, residential areas, road, state parks, etc., which may be affected by the land disturbance.
- ❑ Soils – A description of the soils on the site including soil name, mapping unit, erodibility, permeability, depth, texture and soil structure.
- ❑ Critical areas – A description of areas on the site that may have serious erosion problems (e.g. steep slopes, water bodies, underground springs, wetlands, etc).
- ❑ Erosion and sediment control measures - A description of the methods which will be used to control erosion and sedimentation on the site. Controls shall satisfy applicable minimum standards and specifications of Chapter 3 of the VESCH, 1992.
- ❑ Permanent stabilization - A brief description, including specifications, of how the site will be stabilized after construction is complete.
- ❑ Maintenance - A schedule of regular inspections and repair of ESC structures.
- ❑ DCR Certified Inspectors – Identify the name and contact information will the time of plan submission.

ESC Plan Drawings

The ESC plan drawings of a project-specific ESC plan depict the information contained in the narrative. The ESC plan drawings are bond into one document. The following summarizes the information required for plan drawings for utility, pipeline, and railroad specific projects:

- ❑ Vicinity map – A map locating the site in relation to the surrounding area. Include any landmarks that may assist in locating the site.
- ❑ Indicate north – Show the direction of north in relation to the site on each drawing.
- ❑ Limits of clearing and grading – Indicate the areas that are to be cleared and graded.
- ❑ Existing contours – Show the existing contours of the site.
- ❑ Drainage patterns – Show the direction of flow for both surface water and water bodies.
- ❑ Existing vegetation - Show the existing tree lines, grassed areas, or unique vegetation.
- ❑ Soils – Show the boundaries of different soil types.
- ❑ Critical erosion areas – Show the areas with potentially serious erosion problems. Indicating critical erosion areas by milepost markers is acceptable.
- ❑ Profile of Utility, Pipeline or Railroad – Show the profile of the linear project with the percent slope to ensure identification of critical areas.
- ❑ Location of ESC practices – Show the locations of ESC practices used on the linear construction site. The ESC measures may be located in schematic view or in plan view. Use standard symbols and abbreviations from the VESCH or the company's General ESC Specifications.
- ❑ ESC detail drawings – Illustrate the structural and vegetative ESC practices to be employed for the specific project with detail drawings and specifications. The detail drawings will include ESC measures detailed in the company's General ESC Specifications as well as any VESCH measures employed on site.
- ❑ ESC notes – The illustrative ESC plan will contain general ESC notes to ensure that the controls are installed, inspected and maintained, including both structural and vegetative practices. Table 6-1 of the VESCH contains typical ESC notes. Revise the recommended notes as needed for project-specific linear construction.